

THE HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,  
Plaintiff,

vs.

MOTOROLA, INC., et al.,  
Defendants.

MOTOROLA MOBILITY, INC., et al.,  
Plaintiffs,

vs.

MICROSOFT CORPORATION,  
Defendants.

Case No. C10-1823-JLR

**DECLARATION OF ERICH  
ANDERSEN IN SUPPORT OF  
MICROSOFT'S MOTION TO SEAL  
CONFIDENTIAL DOCUMENTS**

**NOTED: Friday November 9, 2012**

I, Erich Andersen, do hereby declare:

1. I am an attorney within Microsoft's Legal and Corporate Affairs (LCA) department, supporting the Windows Division. I am familiar with Microsoft's internal product development and strategic marketing plans with respect to its Windows operating system software products and services. I am also familiar with Microsoft's efforts to keep those plans

DECLARATION OF ERICH ANDERSEN IN  
SUPPORT OF MICROSOFT'S MOTION TO  
SEAL CONFIDENTIAL DOCUMENTS - I

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1 confidential and the potential ramifications of the public disclosure of such plans. I make this  
2 declaration based on my personal knowledge unless otherwise indicated.

3       2. I understand that Defendants in the above-captioned matter intend to introduce  
4 at trial certain materials that disclose Microsoft's highly confidential current and future product  
5 development and strategic marketing plans relating to its Windows operating system software  
6 products and services, including documents that I understand have been identified as Trial  
7 Exhibit numbers 2371, 2372, 2376, 2377, 2378, 2737, and 3179. I will refer to these  
8 documents collectively as "Confidential Windows Strategic Planning Documents".

9       3. The Confidential Windows Strategic Planning Documents contain detailed and  
10 highly sensitive product development and marketing plans for Microsoft Windows products  
11 and services, including but not limited to the Windows 7 operating system software, the  
12 recently released Windows 8 operating system software, and key Cloud services such as  
13 Windows Update. These materials describe Microsoft's confidential business plans relating to  
14 Microsoft's core products and services, which disclose Microsoft's strategic objectives,  
15 product feature descriptions and analysis, technical product specifications, development and  
16 marketing timelines, market analyses, and cost and revenue information. These proprietary  
17 materials consist of trade secrets not known to the public or Microsoft's competitors.

18       4. Microsoft takes care to ensure that such information remains confidential. The  
19 Confidential Windows Strategic Planning Documents and others documents like them are  
20 intended to be shared internally only with employees who require access to such materials in  
21 order to perform their specific job responsibilities. Microsoft personnel are required to  
22 maintain such materials in confidence as part of their standard employee non-disclosure  
23 agreement. Microsoft does not make these materials publicly available. Consistent with  
24 Microsoft's efforts to protect its trade secrets and consistent with its standard practices, I  
25 understand that the Confidential Windows Strategic Planning Documents were produced to

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1 Motorola in the above-captioned matter under the terms of the Protective Order entered in this  
2 case. I understand that these documents were designated as containing "Confidential Business  
3 Information" and, in some cases, as containing "Outside Attorneys' Eyes Only" information, a  
4 designation providing an enhanced level of protection commensurate with the sensitive nature  
5 of such information.

6       5.       Public disclosure of Microsoft's Confidential Windows Strategic Planning  
7 Documents and disclosure of the trade secrets contained therein would cause competitive harm  
8 to Microsoft. Microsoft seeks to differentiate its operating system software from that of its  
9 competitors, providing Windows customers with a higher quality product, exclusive features  
10 and a superior user experience. Microsoft invests heavily in its effort to achieve these goals,  
11 and expends significant time, effort and resources developing its product and marketing plans  
12 to reach these objectives and maintain or increase its market share. Disclosure of Microsoft's  
13 Confidential Windows Strategic Planning Documents would reveal Microsoft's business plans  
14 to its competitors, exposing Microsoft's strategic objectives and providing to its competitors at  
15 no cost the detailed roadmaps that Microsoft has developed at substantial cost over years of  
16 effort. Microsoft's competitors should not be permitted such an unfair and unearned  
17 advantage.

18       6.       I also understand that there is a high likelihood that the parties will seek to  
19 introduce evidence regarding highly confidential past sales and revenue data and highly  
20 confidential future sales and revenue projections for Microsoft's Windows operating system  
21 software products. Microsoft does not disclose to the general public its detailed and product-  
22 specific financial information, which is treated as highly sensitive and proprietary information.

23       7.       Disclosure of this information, and in particular disclosure of sales and revenue  
24 projections relating to Microsoft's Windows operating system software products, would have the  
25 potential to lead to competitive harm by creating an asymmetry of information between Microsoft

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1 and its primary competitors, whose sales and revenue results and projections are not public.  
2 Microsoft's competitors could use this information to discern and anticipate Microsoft's past and  
3 future confidential business and marketing strategies, and to evaluate the success of those  
4 confidential strategies. This may result in a shift in the marketing and advertising strategies of  
5 Microsoft's competitors in a way that increases competitive pressure on Microsoft in certain  
6 market segments, resulting in reduced market share for Microsoft.

7  
8 I swear under penalty of perjury under the laws of the United States of America, that  
9 the foregoing is true and correct.

10 DATED this 1<sup>st</sup> day of November, 2012.

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13 Erich Andersen  
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**CERTIFICATE OF SERVICE**

I, Linda Bledsoe, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
2. On the 1<sup>st</sup> day of November, 2012, I caused the preceding document to be served on counsel of record in the following manner:

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8 DATED this 1<sup>st</sup> day of November, 2012.

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LINDA BLEDSOE

DECLARATION OF ERICH ANDERSEN IN  
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